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District of Nevada

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Attorneys for Defendant

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JAMES STEVEN RUIZ,

Plaintiff,

v.

NANCY A. BERRYHILL,
Acting Commissioner of Social Security,

Defendant.

)
) Case No. 2:17-cv-03036-JAD-VCF
)

) **STIPULATION FOR THE AWARD AND**
) **PAYMENT OF ATTORNEY FEES AND**
) **EXPENSES PURSUANT TO THE EQUAL**
) **ACCESS TO JUSTICE ACT, 28 U.S.C. §**
) **2412(d), AND COSTS PURSUANT TO**
) **28 U.S.C. § 1920**
)

ECF No. 23

IT IS HEREBY STIPULATED by and between the parties through their undersigned counsel, subject to the approval of the Court, that Plaintiff be awarded attorney fees and expenses in the amount of \$3,000.00 dollars under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), and no costs under 28 U.S.C. § 1920. This amount represents compensation for all legal services rendered on behalf of Plaintiff by counsel in connection with this civil action, in accordance with 28 U.S.C. §§ 1920; 2412(d).

After the Court issues an order for EAJA fees to Plaintiff, the government will consider the matter of Plaintiff's assignment of EAJA fees to Plaintiff's counsel. Pursuant to *Astrue v. Ratliff*, 560 U.S. 586, 598, 130 S.Ct. 2521, 177 L.Ed.2d 91 (2010), the ability to honor the assignment will depend

1 on whether the fees are subject to any offset allowed under the United States Department of the
2 Treasury's Offset Program. After the order for EAJA fees is entered, the government will determine
3 whether they are subject to any offset.

4 Fees shall be made payable to Plaintiff, but if the Department of the Treasury determines that
5 Plaintiff does not owe a federal debt, then the government shall cause the payment of fees, expenses
6 and costs to be made directly to counsel, pursuant to the assignment executed by Plaintiff. Any
7 payments made shall be delivered to counsel.

8 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA attorney
9 fees, and does not constitute an admission of liability on the part of Defendant under the EAJA or
10 otherwise. Payment of the agreed amount shall constitute a complete release from, and bar to, any and
11 all claims that Plaintiff and/or counsel including counsel's firm may have relating to EAJA attorney
12 fees in connection with this action.

13 This award is without prejudice to the rights of [counsel] and/or [counsel's firm] to seek Social
14 Security Act attorney fees under 42 U.S.C. § 406(b), subject to the savings clause provisions of the
15 EAJA.

16 Respectfully submitted this 4th day of October 2018.


17 DAYLE ELIESON
United States Attorney

18 /s/ Jennifer A. Kenney
19 JENNIFER A. KENNEY
Special Assistant United States Attorney

20 OF COUNSEL:

21 DEBORAH LEE STACHEL
22 Regional Chief Counsel, Region IX

23 IT IS SO ORDERED:

24 
25 U.S. District Judge Jennifer A. Dorsey
26 Dated: November 7, 2018